

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CHELSEA L. DAVIS

v.

**SAMUEL F. BAXTER, and MCKOOL SMITH
P.C.**

**CASE NO. 4:14-CV-00754
CONSOLIDATED INTO CASE NO.
3:14-CV-514 and 14-7088, into which
*Chelsea L. Davis v. McKool Smith P.C. and
Samuel F. Baxter*, DC-13-12834 and
DC-13-14215, 298th Jud. Dt. Ct., Dallas
County, TX, is consolidated**

TO THE HONORABLE PRESIDING JUDGE:

PLAINTIFF'S MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 41(a)(2)

COMES NOW, Chelsea L. Davis ("Chelsea Davis"), who hereby moves to dissolve the anti-suit injunctions and stay of arbitration proceedings, which have been in place against at least Chelsea Davis and Samuel Baxter since a few days after the dispute between the parties began, to dismiss this action as abated in favor of the related actions, which may now proceed, now that the anti-suit injunction and stay are dissolved on Nov. 20, 2014, and to transfer any and all actions previously submitted under all pendant state cause numbers to the United States District Court for the Northern District of Texas. Chelsea Davis moves to compel Leslie Ware and Samuel Baxter to produce documents responsive to Chelsea Davis's discovery requests and to appear for their depositions and at hearings and at trial to give their testimony under oath. Chelsea Davis moves for a continuance to continue a discovery period until May 15, 2015 and to set a date for a first jury trial in the United States District Court for the Northern District of

Texas in *Davis v. McKool Smith P.C. et al* before Judge Jane Boyle in July 2015.

Chelsea Davis, as Respondent and Defendant, moves to dismiss with prejudice Plaintiff McKool Smith P.C.'s complaints against Chelsea L. Davis under Cause Nos. 201305119, 201400133, and 54202, and misdemeanor and felony cause numbers, including 01-JM-13-4225, F-13-61468, ML1400489, MB1359386 and DF-13-19281, which consist of false allegations made by McKool Smith P.C. and its agents against Chelsea Davis. There was never any probable cause to arrest Chelsea Davis. This Court has already once dismissed without prejudice all allegations of misconduct against Chelsea Davis, including complaints, grievances, charges, claims and causes of action against her, for reasons including lack of prosecution and lack of probable cause, such that the granting of this motion dismisses with prejudice each and every allegation and potential allegation of misconduct against Chelsea Davis, including those based on documents in proceedings and non-proceedings. Accordingly, the bond amount of \$1,000,000 set by the court for Leslie Ware's frivolous and wrongful requests for injunctive relief against Chelsea L. Davis and additional amounts paid in bond and into the registry of the Court by Chelsea Davis must now be released and paid by Leslie D. Ware and reimbursed to Chelsea Davis from Leslie D. Ware, the attorney issued TX Bar No. **00785179**.

This document replaces Document 5 in *Davis v. Baxter*, 4:13-cv-514 (E.D. Tex. filed Sept. 9, 2013). Each and every statement and argument in Documents 8, 9, 10 and 11, previously electronically sent by Chelsea Davis under Case No. 4:13-cv-514 in *Davis v. Baxter*, 4:13-cv-514 (E.D. Tex. filed Sept. 9, 2013) are hereby cancelled as moot or otherwise withdrawn at this time but may be later amended and filed to Case No. 4:13-cv-514.

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CERTIFICATE OF SERVICE

I electronically submitted the foregoing document using the electronic case filing system. I hereby certify that I have served all counsel and/or pro se parties of record (or non-record) electronically by email or, as a pro-se party, on the date it is electronically docketed in the court's CM/ECF system, as authorized by the Federal Rule of Civil Procedure 5(b)(2) and the Local Rules of this Court (in the Northern and Eastern Districts of Texas), or otherwise, to the extent possible.

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